

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION

**DOROTHY BROCK-BURCHETT**

**PLAINTIFF**

vs.

No. 4:20-cv-374-DPM

**MCNEW FABRICATION, INC.,  
and JEFFREY MCNEW**

**DEFENDANTS**

**PLAINTIFF'S MOTION TO ADJUST PRE-TRIAL DEADLINES**

Plaintiff Dorothy Brock-Burchett, by and through her attorneys of the Sanford Law Firm, PLLC, for her Motion to Adjust Pre-Trial Deadlines and Incorporated Brief in Support she does state and allege as follows:

1. Plaintiff requests that this Court modify certain pre-trial deadlines contingent upon the outcome of this Court's ruling on Plaintiff's Motion in Limine (ECF No. 43).
2. On 6 March 2023, Plaintiff filed her Motion in Limine (ECF No. 43) asking this Court to prohibit the introduction of certain evidence by Defendants at trial in this case because the evidence was irrelevant to Plaintiff's FLSA claims. Moreover, the evidence involved is directly related to Defendants' claims against Plaintiff in the pending state court case *McNew Fabrication, Inc., et al v. Dorothy Brock-Burchett*, Faulkner County Circuit Court Case No. 23CV-20-700 (hereinafter the "state court case").
3. Plaintiff stands by her position that this evidence is irrelevant, that the trial should focus on those issues related to Plaintiff's FLSA claims, and that all those issues related to Defendants' state-law based claims should be heard in the pending state court case where those claims are currently pending.

4. However, Plaintiff has been preparing pre-trial documents currently due 4 May 2023, pursuant to this Court's Amended Final Scheduling Order (ECF No. 35), including Pre-Trial Disclosure Sheets, Trial Briefing, and Jury Instructions; the impact of this Court's ruling on Plaintiff's Motion in Limine on the preparation of these documents is enormous.

#### INCORPORATED BRIEF IN SUPPORT

Rather than preparing for a simple FLSA case, the parties will have to brief issues related to Defendants' state court case, including whether Plaintiff improperly used company credit cards or took money belonging to Defendants, among other issues. Rather than focusing on simple pay records and evidence regarding amounts paid, hours worked, and job duties performed, the trial will involve hundreds of extraneous pages of documentary evidence including bank account records and credit card statements, as well as hours of additional testimony regarding these issues, including whether Plaintiff was authorized to withdraw funds and utilize credit cards.

In short, this Court's ruling on Plaintiff's Motion in Limine significantly impacts pre-trial briefing, preparation of evidence, identification and preparation of witnesses and jury instructions. Further, the amount of additional evidence—evidence that has no relevance to the merits of Plaintiff's FLSA and AMWA claims—is expected to be so voluminous and time-consuming that this trial cannot likely be completed in the two days envisioned by the parties.

Accordingly, Plaintiff respectfully requests that this Court enter an Order providing that pre-trial deadlines currently scheduled for 4 May 2023 be extended for a period of one week following this Court's ruling on Plaintiff's Motion in Limine. Assuming that a

ruling on Plaintiff's Motion in Limine is issued within the next 14 days, the requested extensions would not interfere with the trial date currently set for 5 June 2023.

Rule 16 provides that the Court may modify scheduling deadlines "for good cause and with the judge's consent." Plaintiff has shown good cause for the requested extension. *Holmes v. Henry*, No. 4:10-cv-1165 SWW, 2012 U.S. Dist. LEXIS 79616, at \*3-4 (E.D. Ark. June 8, 2012). These extensions are sought in good faith for the purpose of efficiently litigating this case and preventing the parties from incurring unnecessary expense and effort, and not for delay.

WHEREFORE, Plaintiff respectfully asks the Court to exclude the topics identified above, for costs and a reasonable attorneys' fee, and for all other proper relief to which she may be entitled.

Respectfully submitted,

**PLAINTIFF DOROTHY BROCK-BURCHETT**

SANFORD LAW FIRM, PLLC  
Kirkpatrick Plaza  
10800 Financial Centre Pkwy, Ste. 510  
Little Rock, Arkansas 72211  
Telephone: (501) 221-0088  
Facsimile: (888) 787-2040

Sean Short  
Ark. Bar No. 2015079  
[sean@sanfordlawfirm.com](mailto:sean@sanfordlawfirm.com)

Josh Sanford  
Ark. Bar No. 2001037  
[josh@sanfordlawfirm.com](mailto:josh@sanfordlawfirm.com)